

# BLOCH & WHITE LLP

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February 2, 2023

**BY ECF**

Honorable Cathy Seibel  
U.S. District Court for the Southern District of New York  
300 Quarropas Street  
White Plains, NY 10601-4150

*Re: Virgil v. Finn, et al.*, No. 22-cv-3169 (CS)

Dear Judge Seibel:

We write on behalf of Plaintiff Melvin Virgil following the January 17, 2023 pre-motion conference concerning Defendants Anthony Annucci and Mark Royce's anticipated motion to dismiss. At the conference, Your Honor invited Mr. Virgil to further amend his complaint, an invitation on which he reserved. Following discussions with counsel for Defendants Annucci and Royce, Mr. Virgil has indeed decided to amend his complaint. Each of the Defendants have indicated that they consent to the amendment and have agreed to the following schedule:

<b>March 24, 2023</b>	Date by which Plaintiff is to file Second Amended Complaint
<b>April 14, 2023</b>	Defendants respond to Second Amended Complaint, including Defendants Annucci and Royce's anticipated motion to dismiss
<b>May 5, 2023</b>	Plaintiff submits brief in opposition to motion to dismiss
<b>May 19, 2023</b>	Defendants submit reply brief in further support of motion to dismiss

Further, as discussed at the conference, Mr. Virgil and Defendants Annucci and Royce have agreed to bundle the briefing on the anticipated motion to dismiss the Second Amended Complaint, meaning that each of the motion papers would be filed to the docket on May 19, 2023.

Very truly yours,

/s/ Benjamin D. White  
Benjamin D. White